

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DONALD R. TURNER, JR.,)
Petitioner,)
v.) Case No. 1:16-CV-268-JAR
UNITED STATES OF AMERICA,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner Donald R. Turner, Jr.'s motion to proceed *in forma pauperis* on appeal. (ECF No. 51).

On March 20, 2020, the Court denied petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. (ECF No. 37). In the Memorandum and Order, the Court denied a certificate of appealability simultaneously with the Order of Dismissal because petitioner failed to make a substantial showing of the denial of a constitutional right. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997), *cert. denied*, 525 U.S. 834 (1998).

Petitioner filed a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (ECF No. 41). On June 22, 2020, the Court denied petitioner's motion based on his failure to produce newly discovered evidence or show a manifest error of law or fact. (ECF No. 47). On July 8, 2020, petitioner filed a notice of appeal. (ECF No. 48).

The Court will deny petitioner's motion to proceed *in forma pauperis* because an appeal would be frivolous and would not be taken in good faith.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed *in forma pauperis* on appeal (ECF No. 51) is **DENIED**.

IT IS FURTHER ORDERED that petitioner shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 24th day of July, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE